

REMARKS

This Application has been carefully reviewed in light of the Office Action dated September 8, 2004. In order to advance prosecution of this Application, Claims 1, 9, 11, 17, 19, and 20 have been amended. Applicant respectfully requests reconsideration and favorable action for this Application.

The Examiner indicated that this Application was filed as a request for continued examination under 37 C.F.R. §1.114. However, this Application was filed as a continuation application under 37 C.F.R. §1.53(b). Applicant respectfully requests the Examiner to verify the filing status of this Application.

The specification stands objected to for various informalities. The specification has been amended to address the informalities identified by the Examiner.

Claims 1, 8, 9-11, 16-19, and 20 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 3, and 4 of U.S. Patent No. 6,678,798. Attached herewith is a Terminal Disclaimer to overcome this rejection.

Claims 1-8, 11-16, and 19 stand rejected under 35 U.S.C. §102(b) as being anticipated by Baumgartner, et al. Independent Claims 1, 11, and 19 recite the ability to provide ". . . the data to the first one of the plurality of processors according to the single read request in response to whether or not the data is located in another one of the plurality of processors on the local bus and the data is modified without re-issuing the single read request from the first one of the plurality of processors." By contrast, the Baumgartner, et al. requires that the read request be re-issued by a processor when the processor issuing the read request is at the home node for the data and the data has been

remotely modified. See col. 8, lines 53-67, of the Baumgartner, et al. patent. Thus, the Baumgartner, et al. patent is not capable of servicing a first one of a plurality of local processors in response to a single read request without re-issuing the read request in the manner provided by the claimed invention. Support for the above recitation can be found at FIGURE 5 and page 45, line 16, to page 46, line 20, of Applicant's specification. The portions of Applicant's specification cited by the Examiner are not concerned with re-issuing a read request but are directed to two requests for the same address and merely retrying an existing request. Therefore, Applicant respectfully submits that Claims 1-8, 11-16, and 19 are not anticipated by the Baumgartner, et al. patent.

Applicant notes with appreciation the allowability of Claims 9, 10, 17, 18, and 20 if amended into appropriate independent form accompanied by a Terminal Disclaimer. A terminal Disclaimer is attached herewith as suggested by the Examiner. Also, Claims 9, 17, and 20 have been amended into independent form as suggested by the Examiner. Therefore, Applicant respectfully submits that Claims 9, 10, 17, 18, and 20 are in condition for allowance.

With the presentation of three new independent claims, an additional filing fee is due. Attached herewith is a check made payable to the "Commissioner of Patents and Trademarks" in an amount of \$264.00 in partial satisfaction of the excess independent claims fee of 37 C.F.R. §1.16(b). The Commissioner is hereby authorized to charge \$336.00 to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P. to satisfy the new fee schedule effective December 8, 2004.

CONCLUSION

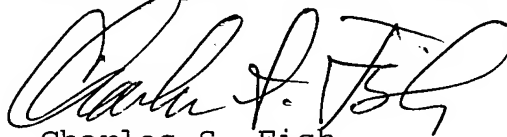
Applicant has now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

The Commissioner is hereby authorized to charge any amount required or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant

A handwritten signature in dark ink, appearing to read "Charles S. Fish", is written over the typed name.

Charles S. Fish

Reg. No. 35,870

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